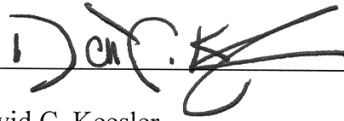


Defendants make three main arguments in support of their motion: (1) Brian Freedman (“Freedman”) has not been subpoenaed pursuant to Fed.R.Civ.P. 45 to attend a deposition; (2) Freedman is not a proper deponent as he is not a party to this action and has acted as Defendants’ counsel in Plaintiff’s workers’ compensation claim; and (3) pursuant to Fed.R.Civ.P. 45 (3)(A)(ii) Freedman cannot be required to travel more than 100 miles from where he resides, is employed, or regularly transacts business in person. (Document No. 65).

The grounds for Defendants' motion appear sound, and Plaintiff has thus far failed to present any argument or applicable authority to persuade the undersigned that Defendants' opposition is misplaced.

IT IS, THEREFORE, ORDERED that "Defendants' Motion To Quash The Second Deposition Notice Of Brian Freedman" (Document No. 64) is **GRANTED**.

Signed: January 18, 2011



David C. Keesler
United States Magistrate Judge

